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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 325772027900	
	Application Number 10/073,150	Filed February 13, 2002	
	First Named Inventor Yasushi YAMADE		
	Art Unit 2153	Examiner S. M. Reilly	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>43,636</u></p> <p><i>Deborah S. Gladstein</i> _____ Signature</p> <p>Deborah S. Gladstein _____ Typed or printed name</p> <p>(703) 760-7753 _____ Telephone number</p> <p>September 22, 2006 _____ Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: 325772027900  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yasushi YAMADE

Application No.: 10/073,150

Confirmation No.: 5457

Filed: February 13, 2002

Art Unit: 2153

For: DATA TRANSMISSION DEVICE, METHOD  
AND PROGRAM FOR PROVIDING A  
UNIFIED TRANSMISSION METHOD IN  
MULTI-DESTINATION DELIVERY (as  
amended)

Examiner: Sean M. Reilly

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests review of the final rejection mailed May 22, 2006, for the reasons set forth below. All pending claims stand rejected under 35 USC 103(a) as being unpatentable over Kakimoto, U.S. Patent No. 6,775,688, in view of Ramaley, U.S. Patent No. 6,687,741.

**I. CLAIMS 1-11 HAVE BEEN IMPROPERLY REJECTED UNDER 35 USC 103(a) IN VIEW OF KAKIMOTO AND RAMALEY.**

As explained in the response filed February 21, 2006, independent claims 1, 6 and 9, recite determining whether delivery destinations include those for which a first transmission mode as well as those for a second transmission mode are designated during multi-destination delivery, and executing a mixed transmission mode when the first and second transmission mode are both designated. In the mixed transmission mode, an e-mail is sent to the destination for the first mode and the file is sent to the file transfer server for the second mode. The e-mail sent to

va-174570

the destination for the first mode has a text string including address information of the file transfer server designated for the second mode, but no file is attached to the e-mail.

In the final Office Action dated May 22, 2006, the Examiner admits that Kakimoto fails to teach or suggest replacing the first transmission mode with the mixed transmission when it is determined that the multiple destinations include those for which the first and second transmission modes are designated. The Examiner asserts that, instead, Kakimoto's system replaces the e-mail attachment transmission mode, which the Examiner asserts corresponds to the claimed first transmission mode, with a file upload and link transmission mode, which the Examiner asserts corresponds to the claimed second transmission mode, when the traffic load is heavy. The Examiner asserts that it was well known in the art to replace an e-mail attachment sending mode with a file upload and e-mail link sending mode, when both e-mail attachment and file upload sending modes are selected as evidenced by Ramaley.

With regard to Ramaley, the Examiner asserts that Ramaley teaches that users can send files using various modes of transmission, for example, as an e-mail attachment, to a file transfer server and to a file transfer server and as a link in an e-mail (citing col. 7, line 30 to col. 8, line 17). The Examiner asserts that, in Ramaley's system, when a user selects to send a file as an attachment and the file is selected to be saved to a file transfer server, the system automatically sends the file using a link in an email as opposed to an email attachment. The Examiner also asserts that Ramaley discloses that it is preferable to send files as links in e-mails when the files are going to be stored in shared drives since the recipient is able to access the shared file even after it has been subsequently modified by the send.

Applicant respectfully submits that Ramaley does not teach that which the Examiner asserts.

Ramaley teaches a method for determining whether to send a file as a link, as an attachment or as both a link and an attachment. Ramaley does not discuss multi-destination delivery, but rather determines the way in which the file is to be delivered to a recipient (see abstract).

Further, Ramaley describes the method of determining the mode of delivery in Fig. 3 and at col. 7, line 30 to col. 8, line 17. As seen in Fig. 3, after the "send" command is issued, a

determination is made in step 304 as to whether the file has been saved. If the file has been saved, a determination is made in step 312 as to whether the file has been saved in a shared disk location. If it is determined that the file is not stored in a shared disk location, the file is sent as an attachment (step 310). If it is determined that the file is saved in a shared disk location, a registry is checked for a registry setting corresponding to a predefined "send preference," which may indicate that the sender desires to send all shared files only as links, or as both links and attachments. Ramaley discloses that such a send preference may be defined by the sender and stored as a registry setting (col. 8, lines 7-8).

Ramaley essentially determines the mode of delivery either by sender preference or by default depending on whether the file is stored in a shared disk location. Ramaley does not, however, teach or suggest the claimed "transmission judging means for determining whether or not the destinations include those for which the first transmission mode as well as those for which the second transmission mode are designated during multi-destination delivery in which multiple destinations are designated" because Ramaley is totally unconcerned with the designated delivery mode for a particular destination. Rather, Ramaley determines the mode of delivery based on the sender's preference or by default if the file is not stored in a shared disk location. Further, Ramaley does not deal with multi-destination delivery, as claimed.

Still further, the Examiner's comment at pg. 3 of the Office Action dated May 22, 2006, "it was well known in the art at the time of the invention to replace an e-mail attachment sending mode with a file upload and e-mail link sending mode, when both e-mail attachment and file uploads [sic] sending modes are selected, as evidenced by Ramaley" mischaracterizes what is taught by Ramaley. Ramaley does not consider the situation in which both e-mail attachment and file upload sending modes are selected because Ramaley actually teaches the selection of one of three modes, sending a file as a link, sending a file as an attachment or sending a file as both a link and an attachment. One, and only one, of these three modes is selected. The Examiner portrays Ramaley as selecting two different delivery modes, which is simply not true. In addition, Ramaley does not even disclose a mode of delivery which includes sending the file to a file transfer server, as claimed.

Thus, in light of the foregoing reasons, the combination of Kakimoto and Ramaley fails to teach or suggest the features of independent claims 1, 6 and 9. The remaining claims are

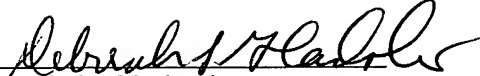
allowable at least due to their respective dependencies.

In view of the above, it is believed that all of the pending rejections should be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772027900.

Dated: September 22, 2006

Respectfully submitted,

By   
Deborah S. Gladstein

Registration No.: 43,636  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7753